

SEALLED
UNITED STATES DISTRICT COURT

for the

Eastern District of California

FILED

JAN 14 2020

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY DEPUTY CLERK

United States of America

v.

Case No.

MARIO GONZALEZ

Defendant(s)

20 - MJ 0009 - EFB

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 16, 2019 in the county of San Joaquin in the
Eastern District of California, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)(1)

Felon on Possession of a Firearm

This criminal complaint is based on these facts:

(see attachment)

☒ Continued on the attached sheet.

Complainant's signature

TFO Brandon Ezell, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 1-14-2020

Judge's signature

City and state: Sacramento, California

Edmund F. Brennan, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT OF TASK FORCE OFFICER BRANDON EZELL IN SUPPORT OF
A CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Brandon Ezell, being duly sworn, depose and state the following:

Purpose

1. This Affidavit is made in support of a criminal complaint and arrest warrant for:

Mario GONZALEZ

For the following federal law violation:

Felon in possession of a firearm (18 U.S.C. § 922(g)(1))

Affiant's Background and Experience

2. I am a Detective with the Stockton Police Department. I have been a sworn law enforcement officer with the City of Stockton for the past 12 years. In September 2016, I was cross-designated as a Task Force Officer (TFO) with the Bureau of Alcohol, Tobacco, and Firearms (ATF), San Francisco Division, Stockton Field Office. As a member of the ATF Violent Crime Task Force, I am responsible for investigating crimes related to firearms, narcotics, violence, and gang activity.
3. I have received hundreds of hours of formal training with the Stockton Police Department. This includes: The P.O.S.T. basic police academy (2007). I have attended in excess of 500 hours of investigation-based classes, lectures, and seminars.
4. In addition to my classroom training, I have been involved in over 200 narcotics/firearms-related investigations. In my 12-year career in law enforcement, I have participated in all aspects of criminal investigations, including physical and electronic surveillance, executing search warrants, interviews, and arrests. In addition to my classroom training, this practical experience has formed the basis of my opinions set forth below.
5. As a result of my training and experience with the Stockton PD, and the ATF, I am familiar with the state and federal laws pertaining to firearms. I know that it is unlawful under Title 18 of the United States Code for a convicted felon to possess a firearm.
6. The information contained in this Affidavit is based on my review of the reports and files in this case reported in Manteca Police Department case number 19-45594. Because this Affidavit is submitted for the limited purpose of establishing probable cause for a criminal complaint and arrest warrant, I have not included every fact known to me about this case. I have set forth only those facts I believe are necessary to support probable cause for a criminal complaint and arrest warrant.

Statement of Probable Cause

7. Title 18 U.S.C. Section 922(g)(1) prohibits any person who has previously been convicted of an offense punishable by imprisonment for more than one year to possess a firearm or ammunition that has traveled in interstate or foreign commerce.
8. The information contained in this Affidavit is based on my review of the reports and files in this case reported in Manteca Police Department case number 19-45594. Because this Affidavit is submitted for the limited purpose of establishing probable cause, I have not included every fact known to me and other law enforcement investigators about this case. Instead, I have set forth only those facts I believe are necessary to support probable cause for the arrest of Mario GONZALEZ (hereinafter "GONZALEZ").
9. According to police reports, on December 16, 2019 at approximately 1634 hours, Officer Noel and Officer Wise were dispatched to 579 South Airport Way in Manteca, in the County of San Joaquin, State and Eastern District of California, for a misconduct call. The caller, Mario GONZALEZ, called the police department to report that an individual known to him had towed his vehicles without permission and would not tell him where they were. Prior to responding to the incident, Officer Noel conducted a "wants and warrants" check on GONZALEZ. Dispatch advised Officer Noel that GONZALEZ had an outstanding Felony warrant for his arrest.
10. Officer Noel and Officer Wise responded to the residence and contacted GONZALEZ sitting in the driver's seat of a Dodge pickup that he later determined was registered to GONZALEZ. Officer Noel asked GONZALEZ to step out of the vehicle to speak with the officers. Once outside of the vehicle, Officer Noel advised GONZALEZ that he had an outstanding warrant for his arrest. Officer Noel and Officer Wise placed GONZALEZ under arrest without incident for his warrant. Once placed under arrest GONZALEZ began requesting if his vehicle could be towed based on his property not being safe in front of the location. Since GONZALEZ was being arrested and felt his property would not be safe if left in the area, Officers made the determination to tow his vehicle per California Vehicle Code 22651(h).
11. Officer Wise conducted a tow inventory search of the vehicle. During the inventory search of the vehicle, Officer Wise located a loaded revolver in the toolbox located in the bed of truck. As Officer Wise opened the toolbox, he immediately took notice to a grey in color case that had the word "Ruger" on the front of it. The box shape was consistent with a firearm case, and Officer Wise knew "Ruger" to be the name of a firearm manufacturer. Officer Wise then opened the case and found a silver in color revolver handgun, and twenty-three .45 Caliber rounds. The firearm was a Ruger model New Vaquero bearing serial number 510-09881. The firearm was loaded with five live rounds. Officer Wise was familiar with GONZALEZ from prior incidents and knew GONZALEZ to be prohibited from possessing firearms on account of his felony convictions.

12. Officer Wise continued to search the toolbox and located an additional twenty .45 caliber rounds. Officer Wise collected the firearm and ammunition, later booking them into Manteca Police Department Evidence.
13. Officer Noel contacted GONZALEZ regarding the possession of the firearm. Prior to speaking with GONZALEZ about the firearm in his truck, GONZALEZ was advised of his *Miranda* rights. Mario GONZALEZ gave Officer Noel the below listed statement in summary:
14. GONZALEZ stated that vehicle and its belongings were his. GONZALEZ stated that nobody else drives the vehicle. GONZALEZ admitted to being in possession of the revolver. GONZALEZ specifically stated that the revolver belonged to "Bobby Thompson" and he (GONZALEZ), ~~that he (GONZALEZ)~~ ^{ATB} had been in possession of it for approximately a month and half, and that he (GONZALEZ) was going to buy the firearm from Bobby Thompson but had not given Thompson any money yet. GONZALEZ stated that he is an ex-gang member and has been chased in the past by rival gang members. GONZALEZ stated that he had the firearm for self-protection.
15. GONZALEZ was transported and booked into San Joaquin County Jail.
16. ATF Interstate Nexus Expert T. Keen informs me that the firearm in this case, a Ruger New Vaquero, serial number 510-09881, was manufactured outside California.
17. A check of Mario GONZALEZ's criminal history reveals the following felony convictions punishable by more than one year in prison:
 - a. Inflicting a Corporal Injury on a Spouse or Cohabitant, in violation of California Penal Code § 273.5, on or about November 20, 2001, in the County of San Mateo, California;
 - b. Inflicting a Corporal Injury on a Spouse or Cohabitant, in violation of California Penal Code § 273.5, on or about October 7, 2002, in the County of San Mateo, California;
 - c. Inflicting a Corporal Injury on a Spouse or Cohabitant, in violation of California Penal Code § 273.5, on or about October 21, 2011, in the County of San Joaquin, California;
 - d. Battery Causing Serious Bodily Injury, in violation of California Penal Code § 243(d), on or about October 21, 2011, in the County of San Joaquin, California;
 - e. Reckless Driving Resulting in Specific Serious Injuries, in violation of California Vehicle Code § 23015(b), on or about October 21, 2011, in the County of San Joaquin, California;

- f. Felon in Possession of a Firearm, in violation of California Penal Code § 29800(a)(1), on or about October 31, 2014, in the County of San Joaquin, California;

18. GONZALEZ has been sentenced to prison for more than a year at least three times.

19. Based on the facts described above, I request that a criminal complaint and arrest warrant be issued for Mario GONZALEZ, charging him with possessing a firearm as a felon, in violation of 18 U.S.C. § 922(g)(1).

Request to Seal

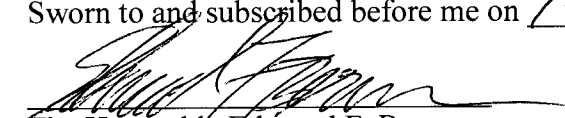
17. I also respectfully request that the Court issue an order sealing, until further order of the Court, all papers submitted in support of this application, including the application, criminal complaint, arrest warrant, and supporting affidavit. This matter is pending in San Joaquin state court. Premature disclosure of the contents of this affidavit and related documents may have a significant and negative impact on the continuing investigation, may cause Mario GONZALEZ to flee should he be released from state custody, and may endanger the safety of agents serving the requested warrant.

I declare under the penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.



Brandon Ezell, Task Force Officer
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to and subscribed before me on 1-14-2020



The Honorable Edmund F. Brennan
United States Magistrate Judge

Approved as to form:

/s/ Michael W. Redding

Michael W. Redding
Assistant United States Attorney